

December 9, 2002

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: Comments Regarding Rules and Regulations
Implementing the Telephone Consumer Protection Act of 1991 (TCPA)

Dear Madam Secretary:

ICT Group, Inc. ("ICT") respectfully submits the following comments to the Federal Communications Commission ("FCC") in response to the FCC's Notice of Proposed Rulemaking ("NPRM"), Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 ("TCPA"), CG Docket No. 02-278, CC Docket No. 92-90, FCC 02-250.

ICT is a leading global provider of integrated customer relationship management solutions, based in Newtown, Pennsylvania. We operate 39 telephone contact centers throughout the United States, and employ more than 5,000 individuals in both outbound telemarketing and inbound customer support programs in this country.

While we fully support the TCPA's goals of protecting consumer privacy and public safety, we agree strongly with the Congressional mandate that such aims must be balanced in a way that permits legitimate telemarketing practices. We are concerned that the increasing regulation of the telemarketing industry from so many different directions (federal agencies, states) is creating an environment where the compliance/regulatory burdens placed on the industry are making it increasingly difficult for the industry to be the vibrant, growing economic sector it has represented in recent years.

In an attempt to aid the Commission in formulating reasonable regulatory standards that allow responsible companies to conduct telemarketing activities while providing adequate protection for consumer privacy and public safety, ICT has brief comments on several of the areas addressed in the NPRM.

National Do-Not-Call List

The Commission seeks comments on possible creation of a national do-not-call list. We believe that, in light of the panoply of do-not-call measures already in place, such a measure is unnecessary, and would create an unnecessary administrative burden on telemarketing companies, with only a marginal benefit to consumers.

The telemarketing industry already provides consumers with a "one-stop" service to remove their names from calling lists. The Direct Marketing Association's Telephone Preference Service offers consumers an

easy, free, nationwide do-not-call system. Also on the industry side, pursuant to the dictate of the TCPA, telemarketing companies also maintain their own do-not-call lists. Surely, the FCC need not expend taxpayer's dollars to recreate what the DMA and each telemarketing company have already created.

In addition to the DMA's efforts, a growing number of states have taken legislative steps to augment the existing do-not-call framework. Twenty-seven states currently maintain their own do-not-call lists, and most others are currently considering legislation to create their own.

Our major concern with the creation of a national do-not-call list is that such a measure would only serve to create an additional layer of compliance obligations, while providing little additional benefit to consumers. We suggest that, in the event that the FCC decides to create a national do-not-call list, it not duplicate the FTC's efforts in this area, so that telemarketing companies are not saddled with competing - and possibly conflicting - federal compliance requirements in this area. Furthermore, we suggest that the FCC work with the appropriate federal entities to ensure that this regulation preempts all state do-not-call laws. Complying with the already existing do-not-call framework and such a federal requirement will do little more than create an additional costly administrative burden for responsible companies like ICT.

ICT exists, in part, because substantial numbers of consumers use telemarketing to obtain goods and services that might not otherwise be available to them. We are responsible about complying with all of the relevant state and federal requirements regarding telemarketing. ICT supports the current company-specific do-not-call structure set forth in the TCPA, because it accomplishes the objective of preventing unwanted telemarketing calls to those who do not want them, while preserving some measure of consumer choice. That is, this approach allows consumers who may want to speak with some companies but not with others the option of eliminating calls only from those companies from which they no longer wish to hear.

Creation of a national do-not-call list would result in another costly layer of administrative difficulty in compiling and sorting our databases. Furthermore, such a national list would likely be expensive for the federal government to create and maintain.

Abandoned Call Maximums

The Commission also seeks comments on formulating a standard for the maximum number of abandoned calls that would be permitted. Predictive dialers make the telemarketing process much more cost effective by increasing the productivity of each individual telemarketer. Thus, operational effectiveness is maximized, and costs are minimized. If predictive dialers were not available, or if their use was significantly restricted, operational effectiveness would be reduced and costs would increase.

Of course, the use of predictive dialers must be balanced against the privacy concerns of consumers. Telemarketing companies must strive to maintain the lowest possible abandon rate with lawful, responsible operation. The ideal abandon rate for a given telemarketing program depends on a variety of factors, including but not limited to the quality of the

calling list, the complexity of the program, the product or services being solicited, and the time of day that the calls are made. Responsible telemarketing companies adhere to the DMA standard of less than five percent abandoned calls. ICT and other responsible telemarketing companies work with their clients to establish abandonment standards that minimize the disruption and annoyance to consumers while maximizing the goals and objectives of each particular client's telemarketing program.

We are concerned that, because of the multitude of factors that contribute to setting a reasonable abandon rate for a particular telemarketing program, establishment of an arbitrary standard has the potential to cause decreased operational effectiveness and increased costs to consumers, while providing only a very marginal benefit to consumers. ICT fully supports the DMA guideline in this matter, and sees no need for federal legislation.

Caller ID Regulation

The Commission seeks comment on requiring telemarketers who use predictive dialers to transmit caller ID information. ICT is opposed to such a requirement.

While ICT agrees that responsible telemarketing companies should not, under any circumstances, block transmission of caller ID information, a requirement to transmit caller ID information presents serious technological challenges to the telecommunications carriers that support the telemarketing industry. Meeting these challenges would likely lead to increased costs to the telemarketing companies. Balanced against the potential benefit to consumers (transmission of caller ID information will not limit unwanted or abandoned telemarketing calls), we believe that such a regulation would place an unnecessary burden on responsible telemarketing companies.

Wireless Telephone Numbers

The Commission seeks comment on whether additional regulation is necessary to prevent telephone solicitations via automatic dialer to wireless telephone numbers.

The DMA recently published the first version of a national list of wireless telephone numbers, by area code and exchange. This list will enable telemarketing companies to clean their databases of such numbers and prevent calls to them. Much like the case of the national do-not-call list, the advent of this DMA list will accomplish the objective of the TCPA. Creating additional federal regulation in this area will only serve to create additional administrative burden and expense for telemarketing companies, with what would likely be very little benefit to consumers.

ICT supports the TCPA's stated goals of protecting consumer privacy and public safety. However, we strongly believe that these goals must be pursued in such a way that does not prevent legitimate, responsible telemarketing companies from operating effectively.

ICT appreciates the opportunity to respond to the FCC's NPRM. If you would like to discuss these comments at greater length, please do not hesitate to contact me directly.

Sincerely,

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